

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :

 v. : CRIMINAL NO. 19-122-1

KENNETH EUGENE CHERRY, JR. :

O R D E R

AND NOW, this day of August, 2019, upon
consideration of the within Motion, it is hereby

ORDERED

that Count Seven of Superseding Indictment No. 19-122-1 be
dismissed.

BY THE COURT:

HONORABLE HARVEY BARTLE III
United States District Court Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :

 v. : CRIMINAL NO. 19-122-1

KENNETH EUGENE CHERRY, JR. :

GOVERNMENT'S MOTION TO DISMISS COUNT SEVEN
OF SUPERSEDING INDICTMENT #19-122-1

The United States of America respectfully moves the Court to dismiss Count Seven of the above-captioned Superseding Indictment, and in support of this motion avers as follows:

1. The Grand Jury for the Eastern District of Pennsylvania returned a twenty-eight-count superseding indictment against the defendant in the above case on August 13, 2019, charging him with various violations of federal firearms laws.

2. At trial, the government elected not to proceed on Count Seven of the Superseding Indictment, and government counsel intended to move to dismiss Count Seven at the conclusion of the government's case-in-chief.

3. Government counsel inadvertently neglected to move for the dismissal of Count Seven prior to the conclusion of

the defendant's trial and, therefore, is moving to do so at this time.

4. Government counsel has discussed this motion with Andrew F. Schneider, Esquire, counsel for the defendant, who has stated that the defendant does not object to the filing of this motion.

WHEREFORE, the government respectfully requests that this Court dismiss Count Seven of the Superseding Indictment in the above case.

Respectfully submitted,

/Mark S. Miller
MARK S. MILLER
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion to Dismiss
Count Seven of Superseding Indictment #19-122-1 has been served
via electronic filing and electronic mail upon:

Andrew F. Schneider, Esquire
andrew@schneiderlawyer.com

/Mark S. Miller
MARK S. MILLER
Assistant United States Attorney

Date: August 29, 2019